PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 8 19 86

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING July 8 A.D., 19 86, IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P, BURNS P, EISBART P,
GiaQUINTA P, HENRY , REDD P,
SCHMIDT P, STIER P, TALARICO P,

ABSENT: Henry
COUNCILMAN: , , ,
THE INVOCATION WAS GIVEN BY
THE MINUTES OF THE LAST REGULAR June 24, 19 86,
, 19 ,
SPECIAL , 19 ,
SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

COMMUNICATIONS FROM THE MAYOR

June 26, 1986

To the Common Council
Gentlemen and Mrs. Bradbury:

Today, June 26, 1986, I have approved the following ordinances and resolutions passed by the Common Council at its regular meeting on June 24, 1986

(Bill NO. A-86-06-02)
APPROPRIATION ORDINANCE NO. A-02-86

AN ORDINANCE appropriating monies from the unappropriated and unobligated balance in the Cable TV Fund to an account in the 1986 budget of the Cable TV Fund to provide further public use of the local Cable TV System

(Bill NO. S-86-06-18)
(as amended) (as amended)
SPECIAL ORDINANCE NO. S-105-86

AN ORDINANCE concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition and construction of water facilities by the municipal waterworks of the City of Fort Wayne, the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue notes to provide for the cost thereof, matters connected therewith, and repealing ordinances in conflict therewith

(Bill NO. S-86-06-19)
(as amended) (as amended)
SPECIAL ORDINANCE NO. S-106-86

AN ORDINANCE concerning the issuance of revenue refunding bonds of the City of Fort Wayne, Indiana, in an original principal amount not to exceed $4,262,865.05 with respect to bond income growth securities and not to exceed $17,575,297.00 with respect to capital appreciation bonds, together aggregating an original principal amount not to exceed $21,838,162.05 to provide for the refunding of revenue bonds which were issued to provide for the cost of the construction of additions and improvements to the water works of the City of Fort Wayne, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said revenue refunding bonds, and other matters connected therewith and repealing ordinances inconsistent therewith

(Bill No. S-86-06-20)
SPECIAL ORDINANCE NO. S-104-86

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND, SERIES 1986 "(MARK P. SHAMBAUGH PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. R-86-06-04)
DECLARATORY RESOLUTION NO. R-51-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4901, 4903 and 4907 Speedway Drive, Fort Wayne, Indiana 46825. (Michael E. & Rebecca A. Byerley and/or BMRR Properties Corp., Petitioner)

(Bill No. G-86-05-30)
GENERAL ORDINANCE NO. G-20-86

AN ORDINANCE approving the City of Fort Wayne's Five Year Capital Improvement Program and One Year Capital Budget

(Bill No. S-86-06-16)
SPECIAL ORDINANCE NO. S-107-86

AN ORDINANCE approving Change Order No. 1 (FINAL) for Res. 897-85, St. Joe-St. Joe Center Road Sanitary Sewer Extension, with Land, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

(Bill No. G-86-06-17)
GENERAL ORDINANCE NO. G-21-86

AN ORDINANCE amending General Ordinance NO. G-15-86 which ordinance amended General Ordinance No. G-27-84, which ordinance amended Special Ordinance No. S-91-82, which Ordinance amended General Ordinance No. G-27-78, and amending Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith

(Bill No. X-86-05-22)
ANNEXATION ORDINANCE NO. X-03-86

ANNEXATION ORDINANCE annexing certain territory commonly known as the Lincoln Village Area to the City of Fort Wayne, Indiana, and including same in the Councilmanic District No. 3

(Bill No. R-86-05-23)
RESOLUTION NO. R-52-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana setting forth the policy of the City of Fort Wayne, Indiana in regard to the Lincoln Village Annexation

Respectfully yours,

Win Moses, Jr.
Mayor

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

30 June 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a street.

The proposed ordinance is designated as:

BILL NO. G-86-06-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

FACT SHEET

G-86-06-11
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Street Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Cove Court in the Woodlands of Riverside

Reason for Project

Replatting of a portion of Cove Court constituted the restructuring of the street.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

James Streit, attorney for the petitioner Woodlands/Riverside Properties, Inc., stated that this petition is closely related to the petition to vacate a portion of the plat of the Woodlands of Riverside. He stated that Cove Court is the only street within the portion of the plat that was vacated and replatted. He stated they simply need to vacate the street as it exists in the old plat and rededicate a new street with the new plat. He stated that this street is in the middle of vacant land and no landowner is affected.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

23 June 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Woodlands of Riverside Properties Inc **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[x] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [x] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

Of the 6 members present 5 voted in favor of approval - one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 22 May 1986

Projected Completion or Occupancy **Date** 30 June 1986

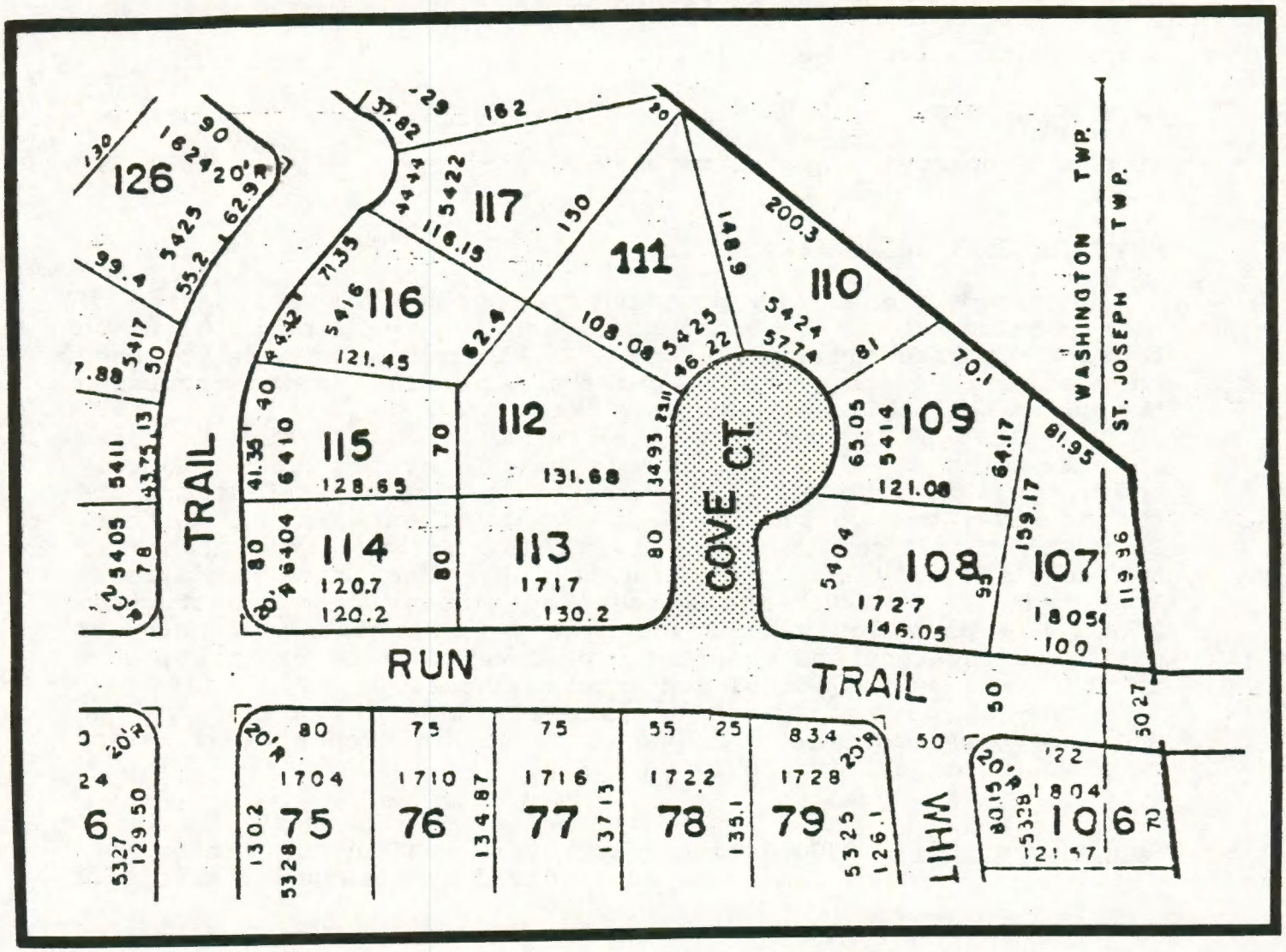
Fact Sheet Prepared by **Date** 30 June 1986
Patricia Biancaniello

Reviewed by **Date** June 30, 1986

Reference or Case Number

VACATION PETITION 5/86

A PETITION TO VACATE THE DESCRIBED STREET.



ZONING:

R-1 ONE FAMILY RESIDENCE

LAND USE:

SINGLE FAMILY DWELLING

N

SCALE:

DATE: 5-23-86

Vacation #202

Proposal: Woodland/Riverside Properties petitions for the vacation of a public street known as Cove Court.

Location: 1700 Block of River Run Trail

Legal Description: See file

Existing Zoning: D/N/A

Size of Property: Approximately .22 Acres

Planning Staff Discussion:

The petitioner has previously requested the vacation of this portion of the recorded plat, and the re-platting of those lots, along with additional land. In the review of this proposed re-platting, it was discovered that an error exists regarding the dedicated public street (Cove Court).

In 1978, the previous developer of this addition proposed an amendment to the plat. That amendment was conditionally approved. Unfortunately, the conditions were not satisfied, and the approval was voided in 1981. To complicate issues further, Cove Court was constructed and improved within the confines of the conditionally approved amended plat. When that Conditional Approval was voided, the street had already been constructed. Since the previously approved plat was then the only recorded plat, the location and geometrics of Cove Court on the plat, were not the same as the actual constructed street.

The simplest manner to address these concerns and to eleviate previous problems appears to be the proper vacation and re-platting of the ground in question.

Recommendation: Conditional Approval, subject to granting of easements as required by affected utilities.

RESOLUTION 76-75-3

WHEREAS, WOODLAND/RIVERSIDE PROPERTIES, INC, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street situated in Fort Wayne, Allen County, to-wit:

Beginning at the Southwest corner of Lot 108, the Woodlands of Riverside, an addition to the City of Fort Wayne as recorded in Plat Book 39, Pages 78-80, said corner being located N 82 degrees 53 minutes 14 seconds W a distance of 246.05 feet from the East line of said addition; thence N 0 degrees 08 minutes 15 seconds W along the West line of Lot 108 a distance of 65.0 feet; thence Northeasterly along the Northwesterly line of Lot 108 along a non-tangent curve having a radius of 50.0 feet a distance of 41.04 feet; thence continuing along the aforedescribed curve Easterly and Northerly along the Westerly line of Lot 109, the Woodlands of Riverside, a distance of 65.05 feet; thence continuing along the aforedescribed curve Northerly and Westerly along the Southerly line of Lot 110, the Woodlands of Riverside, a distance of 57.74 feet; thence continuing along the aforedescribed curve Westerly and Southerly along the Southeasterly line of Lot 111, the Woodlands of Riverside, a distance of 46.22 feet; thence continuing along the aforedescribed curve Westerly and Southerly along the East line of Lot 112, the Woodlands of Riverside, a distance of 25.11 feet to a point of tangency; thence S 0 degrees 08 minutes 15 seconds E along the East line of Lots 112 and 113, the Woodlands of Riverside, a distance of 114.93 feet to the Southeast corner of said Lot 113; thence N 89 degrees 50 minutes 26 seconds E a distance of 26.52 feet; thence S 82 degrees 53 minutes 14 seconds E a distance of 23.67 feet to the Southwest corner of said Lot 108 and the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said street easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, David J. Kiester, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 2, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 2nd DAY OF July, 1986

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, WOODLAND/RIVERSIDE PROPERTIES, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street in Fort Wayne, Allen County, to-wit:

> Beginning at the Southwest corner of Lot 108, the Woodlands of Riverside, an addition to the City of Fort Wayne as recorded in Plat Book 39, Pages 78-80, said corner being located N 82 degrees 53 minutes 14 seconds W a distance of 246.05 feet from the East line of said addition; thence N 0 degrees 08 minutes 15 seconds W along the West line of Lot 108 a distance of 65.0 feet; thence Northeasterly along the Northwesterly line of Lot 108 along a non-tangent curve having a radius of 50.0 feet a distance of 41.04 feet; thence continuing along the aforedescribed curve Easterly and Northerly along the Westerly line of Lot 109, the Woodlands of Riverside, a distance of 65.05 feet; thence continuing along the aforedescribed curve Northerly and Westerly along the Southerly line of Lot 110, the Woodlands of Riverside, a distance of 57.74 feet; thence continuing along the aforedescribed curve Westerly and Southerly along the Southeasterly line of Lot 111, the Woodlands of Riverside, a distance of 46.22 feet; thence continuing along the aforedescribed curve Westerly and Southerly along the East line of Lot 112, the Woodlands of Riverside, a distance of 25.11 feet to a point of tangency; thence S 0 degrees 08 minutes 15 seconds E along the East line of Lots 112 and 113, the Woodlands of Riverside, a distance of 114.93 feet to the Southeast corner of said Lot 113; thence N 89 degrees 50 minutes 26 seconds E a distance of 26.52 feet; thence S 82 degrees 53 minutes 14 seconds E a distance of 23.67 feet to the Southwest corner of said Lot 108 and the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 16, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said street.

WHEREAS, said vacation of street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street easements hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 23 June 1986, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 30 DAY OF June 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith
Secretary

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

30 June 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of an alley.

The proposed ordinance is designated as:

BILL NO. G-86-06-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

FACT SHEET

G-86-06-14
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Alley Vacation Ordinance		

DETAILS

Specific Location and/or Address

North/South alley between Wallace & Masterson.

Reason for Project

Increased parking area for Tom Kelley Buick.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

Neal Nagel, agent for the petitioner Tom Kelley Buick stated that they are requesting the vacation in order to increase their parking area. He stated that they have expanded and in doing so have eliminated some parking. He stated that by vacating this area it should add parking and help eliminate customers and employees from parking on the streets.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

23 June 1986 - Business Meeting

Motion to return the ordinance to the Common Council with a DO PASS recommendation was made, motion carried.

Of the 6 members present 5 voted in favor of approval - one (1) did not vote.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) BTS Realty Company City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for conditio
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 1 April 1986

Projected Completion or Occupancy Date 30 June 1986

Fact Sheet Prepared by Date 30 June 1986

Patricia Biancaniello

Reviewed by Date June 30, 1986

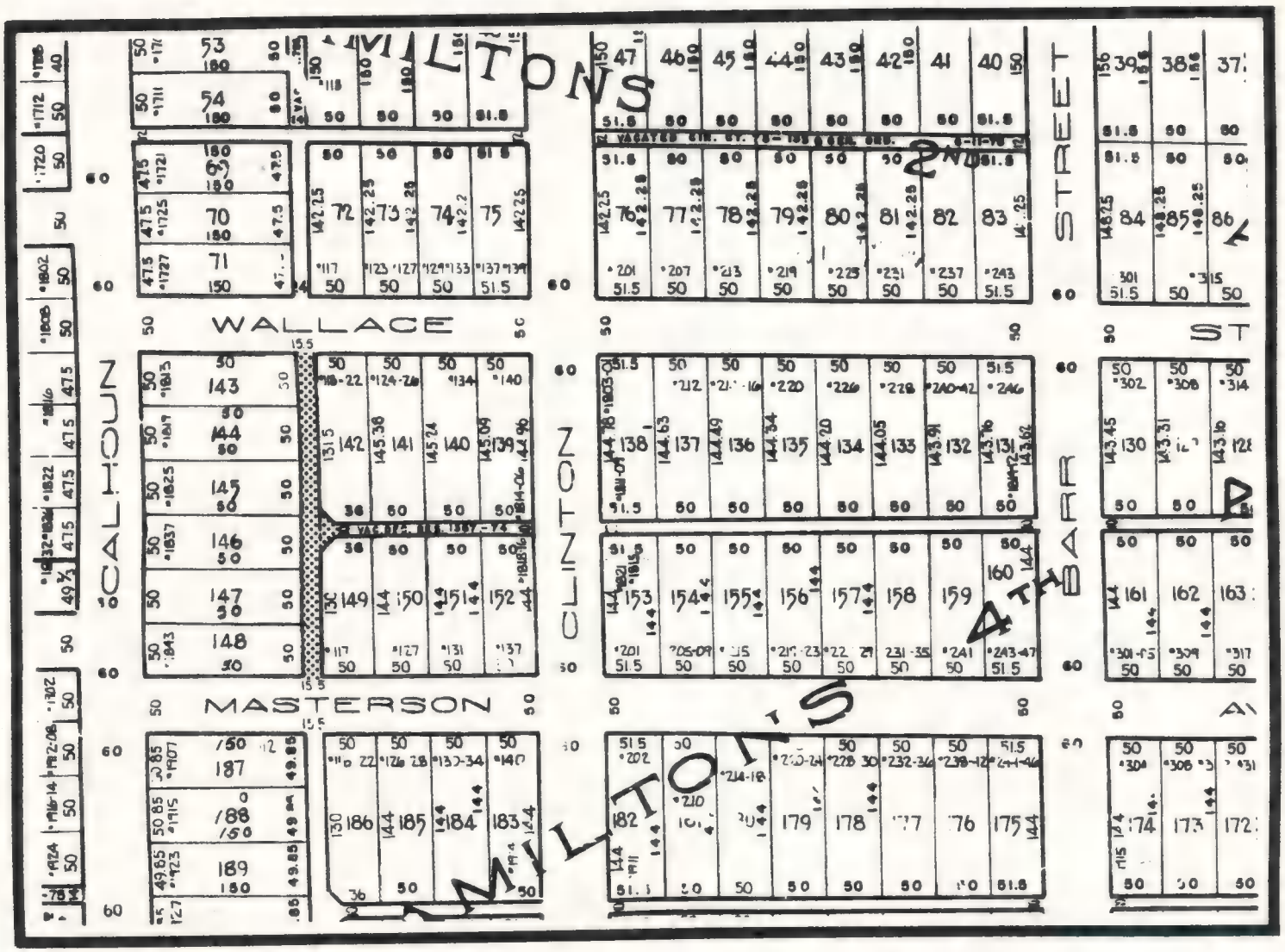
Reference or Case Number

VACATION PETITION #144

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY

COUNCILMANIC DISTRICT NO. 1

MAP NO. M-3



ZONING:

LAND USE:

6-86-06-14

SCALE: 1"=200'

13

DATE: 5-1-86

Vacation # 194

Proposal: Tom Kelley Buick Inc. requests the vacation of a public alley located between Wallace and Masterson running north-south, and located east of Calhoun.

Location: 100 block Wallace

Legal Description: See file

Zoning: D/N/A

Size of Property: Approximately .10 acres

Planning Staff Discussion:

The petition represents that they own the property on both sides of this alley, and that no one else is affected by this petition. It does not appear that this alley is necessary to any other property as a means of ingress and egress.

While present at this site, the only vehicular traffic that was observed were vehicles accessing the auto dealership. It would seem that the continued maitainance of this alley is not necessary to the continued growth of the city.

Recommendation: Approval, subject to providing easements for utilities as needed.

RESOLUTION 76-75-4

WHEREAS, B.T.S. REALTY CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

> The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and West by Lots 142 and 149 of Hamilton's Fourth Addition,an addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, David J. Kiester, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 2, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 2nd DAY OF July 1986

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, FORT WAYNE BIBLE COLLEGE, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

> The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and West by Lots 142 and 149 of Hamilton's Fourth Addition,an addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 16, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 23 June 1986, and as the same appears of record in the official records of said Plan Commission

DATED THIS 30 DAY OF June 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith

Melvin O. Smith, Secretary

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

30 June 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-06-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-06-06

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From R-1 to R-3

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

5962 St. Joe Road

Reason for Project

To establish a Profesional Office use.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

Sean Collentine, an agent with the Zacher Company appeared before the Commission representing the petitioners. He stated that they do not feel that this is spot zoning. He stated he would ask that the Commission consider that the road is being widened in the near future. He stated that this petition is for a use that is fairly "light" in nature - a professional office is not a heavy traffic generator. He stated that they feel that going to a zoning such as R-3 with a restriction for professional office uses, that it would minimize the other possible developments that could go in the area. He stated that this area would be a likely expansion for retail businesses. He stated that currently there is a single family residence with approximately 800 sq. ft., which would be ideal for a doctor's or dentists or architect. He stated they are not looking for a high traffic generator use. He stated they feel that there is a shortage of this type of space available in the area. He stated that this property is no longer marketable as a single family residence due to the traffic situation.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

23 June 1986 - Business Meeting

A motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 6 members present - 5 voted in favor of denial one (1) did not vote.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Jack & Linda Florent **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** -constitute "spot zoning" -detrimental to area
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditio (See Details column for conditic
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pa

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change:	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date May 15, 1986

Projected Completion or Occupancy — Date June 30, 1986

Fact Sheet Prepared by — Date June 30, 1986

Patricia Biancaniello

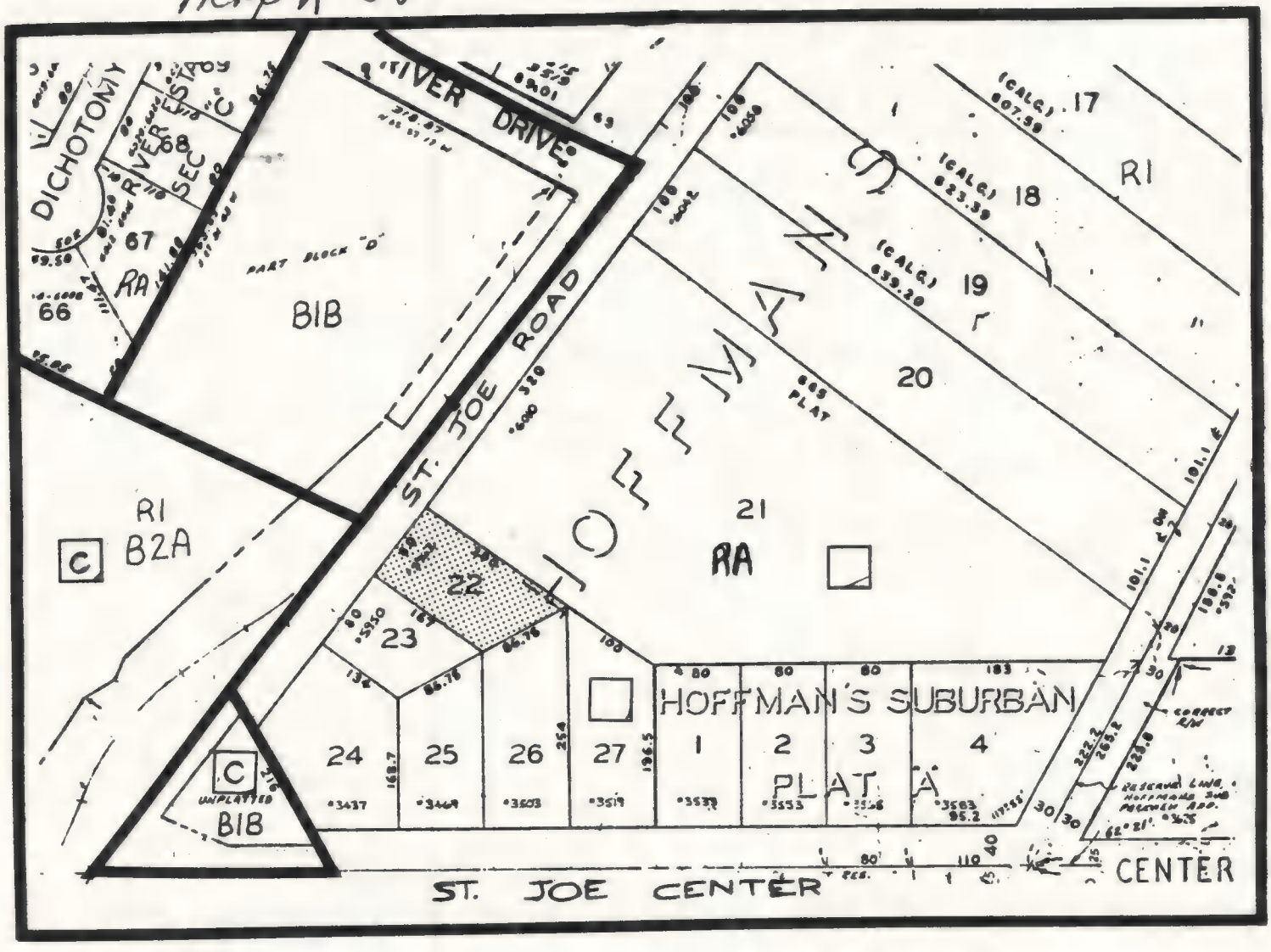
Reviewed by — Date June 30, 1986

Reference or Case Number

REZONING PETITION #301

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-A TO AN R-3 DISTRICT.

Map R-38



ZONING:

R-A	RESIDENCE 'A'
B1B	LIMITED BUSINESS 'B'
B2A	NEIGHBORHOOD SHOPPING CENTER

LAND USE:

□	SINGLE FAMILY DWELLING
C	COMMERCIAL
E	EDUCATIONAL

N

SCALE: 1" = 100'

20

DATE: 5-23-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-08 ; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 16, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 23 June 1986.

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

Change of Zone #201

Proposal: Jack and Linda Florent, thru agent Sean Collentine, petition for a rezoning from RA to R-3

Location: 5962 St. Joe Road

Existing Zoning: RA

Size of Property: Approximately .36 Acres

Surroundings:			
	North	B1B & RA	SFR and child care center
	South	B1B & RA	SFR and a service station
	East	RA	Single Family Residential
	West	B2A	Shopping Center

Planning Staff Discussion:

This immediate area has been developed with commercial uses located along the west side of St. Joe Road, and residential uses along the east side. The delineation is pretty well established, with the exception of a service station located at the northeast corner of the intersection. (There has also been some commercial development extended along St. Joe Center Road to the east.)

Comprehensive Plan does not encourage commercial encroachments into residential areas, nor does it encourage rezonings to classifications that would permit office uses contrary to existing development. We feel that the delineation of zoning classifications in this area is well defined, and we are not aware of any changes that would warrant revisions.

The submitted petition is requesting a change of zoning to an R-3 classification. There is no existing R-3 zoning in the immediate area, and approval of this request would constitute a 'spot zoning'. Additionally, approval would establish an 'undesirable precedent, in that it would encourage higher intensity uses including offices. This intensification would then result in increased trip generation, adding to the existing traffic congestion, and adversely impacting the area.

Recommendation: Do Not Pass

1) Approval would constitute a 'spot zoning'.

2) Approval would encourage the petitioner, in their intent to establish an 'office use' at this location. That usage would possibly be detrimental to the other residential properties in the immediate area, and would encourage other non-residential uses.

3) Approval would make it difficult to deny simular petitions in the future.

4) Approval would adversely impact the residential portions of this area.

The City of Fort Wayne
LAND USE MANAGEMENT
Division of Community Development & Planning

30 June 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-06-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

FACT SHEET

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From R-3 to B-1-B

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

5812 Covington Road

Reason for Project

To allow for office and retail use of subject property.

Discussion (including relationship to other Council actions)

16 June 1986 - Public Hearing

Stan Fishman, with WEBCO Packaging the owner the property in question. Mr. Fishman stated he had received the staff recommendation of DO NOT PASS and felt he needed to respond to the three conclusions supporting the negative recommendation. Mr. Fishman stated that he felt the basic premise for the denial was that vacated Sheffield Drive serves as a logical delineator between the residential and commercial areas. He stated that he disagrees with that premise, the property in question is only 200 feet west of South Bend Drive, which he felt serves as a more logical delineator between commercial and residential. He stated that his property is literally an island in a sea of commercial zones. He stated another point in the recommendation is that his petition is not the undesirable precedent, that precedent has already been set by allowing the nearby and adjacent land to be used for a reception hall, a McDonald's a Jiffy Lube, Empire Restaurant parking lot, Rax Restaurant and parking lot and a Shell Station. He stated that his property is as much a part of Jefferson Blvd., and its view as it is Covington Road. He stated the objection based upon Canterbury School. He stated he felt that primarily the commercial zonings were permitted and existed before Canterbury School moved in. He stated that the school is situated far back from the area, west of South Bend Drive and its main ingress and egress is from South Bend Drive not Covington Road. He stated that Canterbury School is expanding far to the east and north of the lots in question. He stated that he has spent substantial money reconditioning his property, new roofs, gutters, storm windows, siding, shutters, landscaping. He stated that it has had a substantial improvement to the lower level for a doctor's office, over $20,000 in the last 6 months. He stated that he is currently being taxed on the property as commercial. He stated that Sheffield Drive, the street mentioned as a delineator, is no longer Sheffield Drive. He stated that he felt that the lots in question should be zoned B-1 or B-4 or more or less to the discretion of the Board to better reflect and be more compatible with its best use and to remove the current limitations imposed which eliminate many prospective tenants and their resulting rental income. He stated that he had signatures from all surrounding neighbors supporting the change, he submitted photos which demonstrate that the property is surrounded by parking lots and restaurants. He stated that this property will never provide acceptable residential value. He stated it presents a monetary hardship to have it zoned as such. He stated that with regard to it making it difficult to deny similar petitions - the immediate neighbors all have their property listed for sale. He stated that they have found it extremely difficult to sell their property as residential. He stated that they in turn would like

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Stan Fishman **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** -approval would encourage commercial encroachment into residential areas
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditio (See Details column for conditic
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pa

DETAILS

the zoning changed as far as South Bend Drive so that they can obtain a fair sale price, that a commercial property would bring. He stated that the zone is naturally separated from the residential areas by South Bend Drive and by the natural topography of the land. He stated that it is so much lower than the land to the east that it cannot be seen. He stated that a quality commercial development would result in a far superior appearance than the current run down and very small structured improvements which exist on the block. He stated that every neighbor felt that this one block area is the last natural expansion left to the Times Corner commercial area and should be zoned as such. He stated that he does not feel his request is unreasonable. He stated that he has improved his property so that it can remain and blend with other quality development which could occur. He stated that he felt it was unfair to eliminate this area which would clean up the block. He stated that the nature of his business is such that he did not enter into the real estate transaction in order to sell it off for a part of a development, he stated that it is especially important to him to stay in the office in which he resides. He stated that however, he does not need all of the space and there are some tenants who would like to share the space with him and feels it should be zoned accordingly.

Ben Eisbart questioned what he intended to do there and what they would see on the outside if the zoning was changed.

Mr. Fishman stated that he has improved the outside. He stated that he currently has an optometrist as a tenant and would like to be able, in the event of his exodus from the property to rent it to another tenant, such as small retail.

Ben Eisbart questioned if they would change the outside of the structure if the property were rezoned.

Mr. Fishman stated he had no intention of changing the exterior of the structure. He stated that if necessary he would plant a barrier along the eastern edge of the property. He stated he does not intend to change the property.

Ben Eisbart questioned if the land across the street was county.

Mr. Fishman stated it was and that it was also under consideration for rezoning.

Duane Embury requested the staff to show if the area is changing in characteristics enough to warrant acceptance of this request.

Ben Eisbart stated that the staff should coordinate that along with what the County is doing across the street.

Edith Kenna stated that she does not see the problem in the use but in the road. She stated it is a very narrow road which has a rise. She stated that she seemed to recall something from last year on this property regarding the property being rezoned to an R-3 with restrictions for the road and for a frontage road.

David Kiester questioned if there was a zoning request in the area and if so the staff should be advised to pull that request out for their information.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

23 June 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 6 members present 5 voted in favor of denial one (1) did not vote.

Project Start **Date** May 1, 1986

Projected Completion or Occupancy **Date** June 30, 1986

Fact Sheet Prepared by **Date** June 30, 1986

Patricia Biancaniello

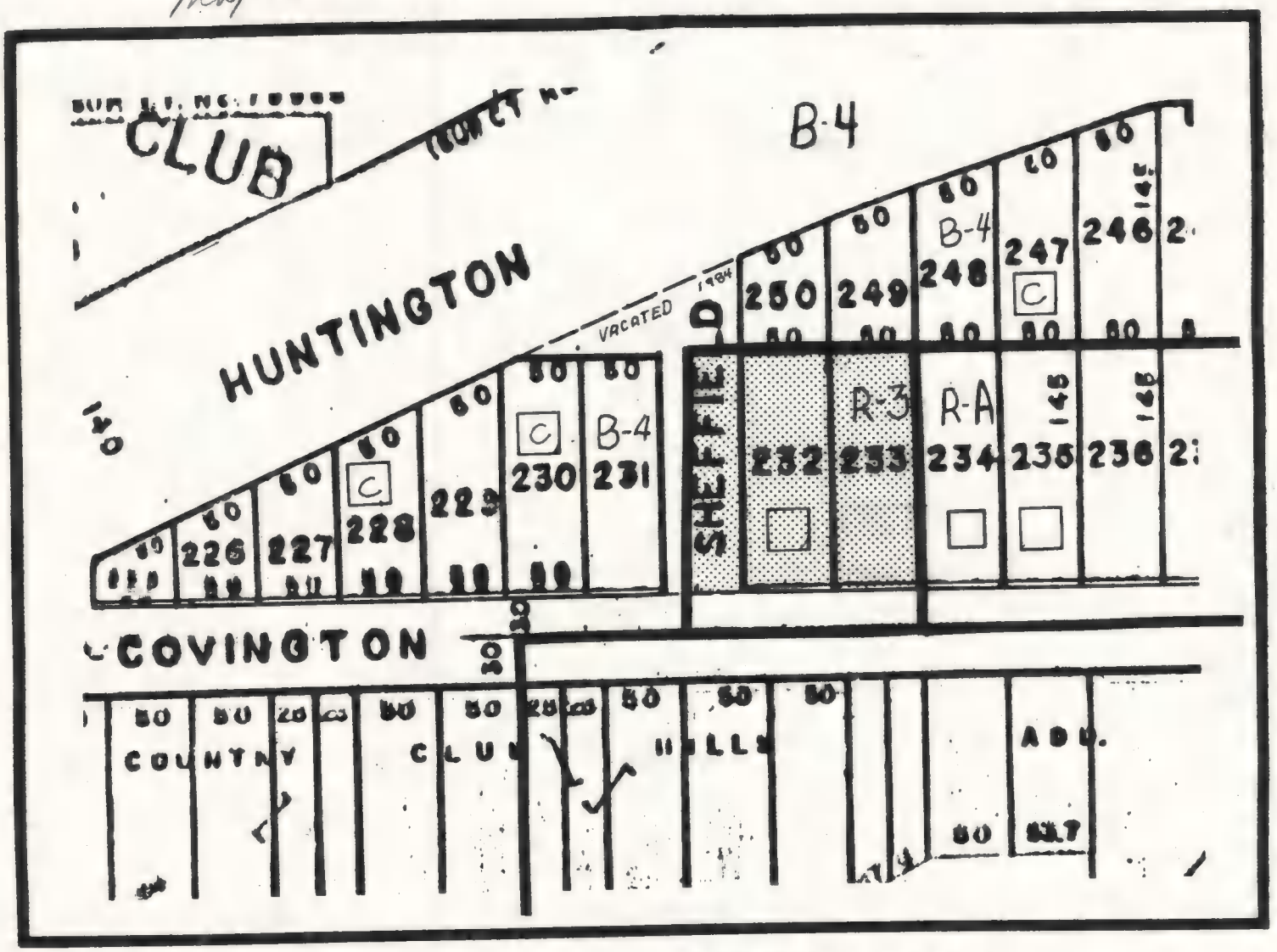
Reviewed by **Date** June 30, 1986

Reference or Case Number

REZONING PETITION - ///

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R-3 TO A B1B DISTRICT.

map E-3



ZONING:

R3- MULTIPLE FAMILY RESIDENCE
B4- ROADSIDE BUSINESS
RA- RESIDENCE 'A'

LAND USE:

☐ SINGLE FAMILY DWELLING
Ⓒ COMMERCIAL

N

SCALE:

DATE: 5-23-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 10, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 16, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 23 June 1986.

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

Change of Zone #199

Proposal: Stan Fishman requests a change of zone from R-3 to B-1-B

Location: 5812 Covington Road

Legal Description: Lot 232 and 233 in Country Club Terrace Addition, together with the east half of the vacated Sheffield Drive.

Existing Zoning: R-3

Size of Property: Approximately .275 Acres

Surrounding Zonings:			
	North	B-4	Commercial
	South	County	proposed commercial
	East	R-1	Residential
	West	B-4	Commercial

Planning Staff Discussion:

The current zoning of this property is R-3 which is a residential zoning.

The properties located along W. Jefferson are zoned B-4, which permits retail and commercial uses. Portions of Covington Road are in the City and are zoned commercially, with portion of Covington Road (on the south side) also proposed for commercial development.

At this time the vacated Sheffield Drive serves ,along with this parcel, as a logical delineator of zoning designations. The residential properties to the east are buffered from the commercial uses at the Covington/Jefferson intersection. Approval of this petition would remove that buffer, and would encourage the commercial expansion of uses along Covington Road.

Approval of this petition could result in the creation of a new commercial area along Covington Road, by encouraging more commercial development in this area. It would appear that there are areas along W. Jefferson and in the established commercial areas, that would be more appropriate.

We strongly believe in the preservation of residential area integrity, and in buffering retail/commercial uses from residential developments. Approval would set an undesirable precedent, impacting the residential quality of life thru increased traffic volumes, which already has reached an average daily traffic count of 4,600 cars, and associated connected commercial practices (lighting, signage, etc.).

It should be pointed out that R-3 zoning does permit offices as contingent uses with Board of Zoning Appeals' approval. This approach would provide non-residential uses of these lots as well as a transition from commercial to residential.

Recommendation: Do Not Pass

1) Approval would encourage commercial encroachment into residential areas.

2) Approval would make it difficult to deny similar petitions.

3) Approval would adversely impact the residential properties, and the school located to the east.

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

30 June 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-86-02-30

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
30th day of June, 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-02-30

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From B-1-B to B-3-B		

DETAILS

Specific Location and/or Address

2350 & 2504 Getz Road

Reason for Project

WITHDRAWN AT REQUEST OF PETITIONER
(Copy of petitioner's request is attached to original ordinance and on file in Plan Commission Office.)

Discussion (Including relationship to other Council actions)

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☐ Against Reason Against
Board or Commission Recommendation	By ☐ For ☐ Against ☐ No Action Taken ☐ For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 17 January 1986

Projected Completion or Occupancy — Date 30 June 1986

Fact Sheet Prepared by — Date 30 June 1986
Patricia Biancaniello

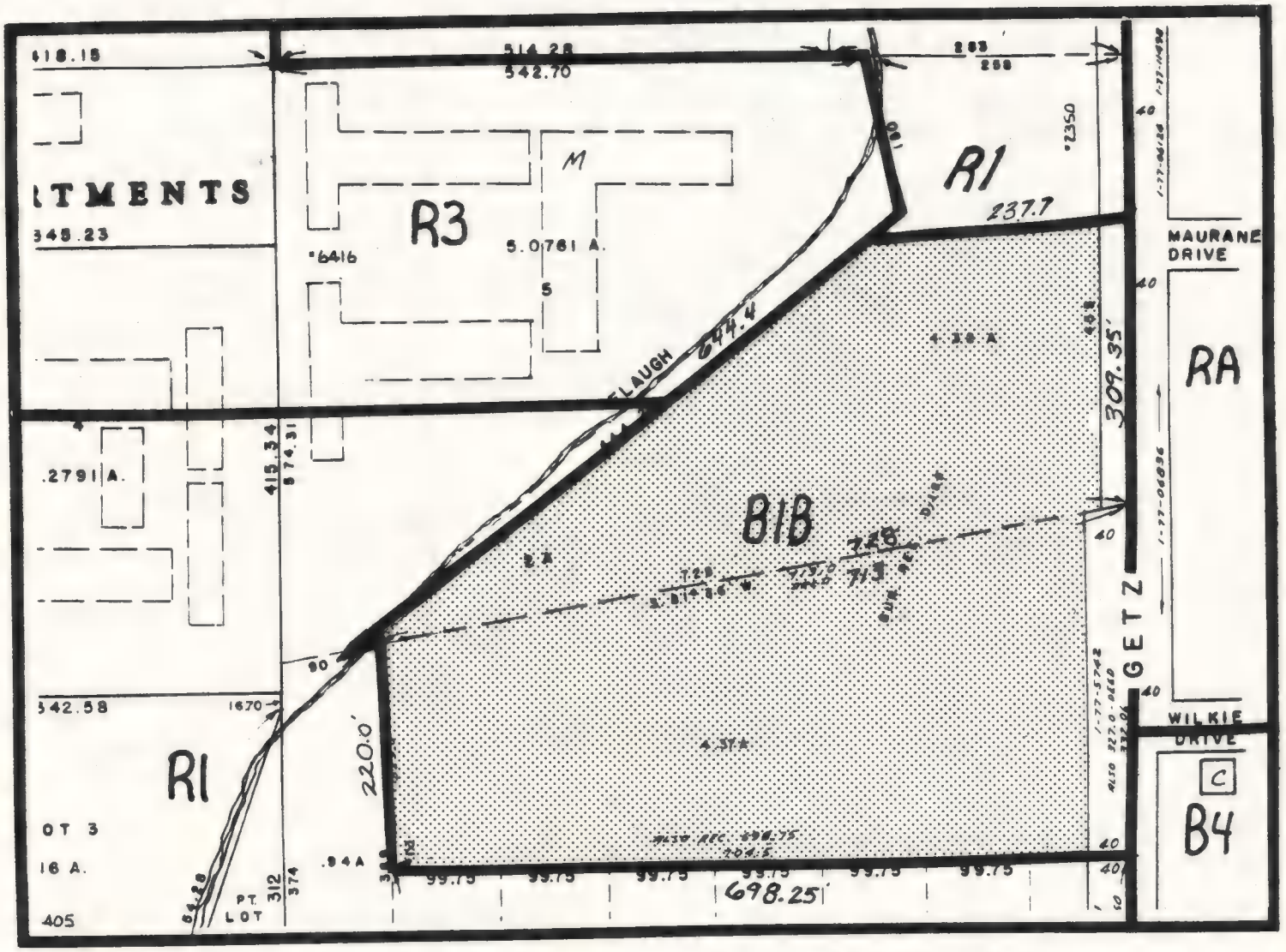
Reviewed by — Date June 30, 1986

Reference or Case Number

REZONING PETITION

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A BIB DISTRICT TO A B3B DISTRICT.

MAP NO. D-3
COUNCILMANIC DISTRICT NO. 4



ZONING:

- BIB LIMITED BUSINESS 'B'
- B4 ROADSIDE BUSINESS
- RA RESIDENCE 'A'
- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT

LAND USE:

- ☐ SINGLE FAMILY
- [M] MULTI-FAMILY
- [C] COMMERCIAL

Change of Zone #182

N

SCALE: 1" = 150'

DATE: 1-28-86

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 25, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-02-30; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as require by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 24, 1986; and,

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 3, 1986.

Certified and signed this
30th day of June 1986.

Melvin O. Smith
Secretary

The City of Fort Wayne

LAND USE MANAGEMENT
Division of Community Development & Planning

11 July 1986

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

BILL NO. G-85-11-65

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
11th day of July 1986.

Melvin O. Smith
Secretary

FACT SHEET

G-85-11-65
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Street Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Portion of Randolph Street

Reason for Project

The construction of a Kroger Grocery Store on the north side of the vacated street.

Discussion (Including relationship to other Council actions)

18 November 1985 - Public Hearing

Charles Cogdell, attorney representing the petitioner I&M appeared before the Commission. Mr. Cogdell stated that I&M owns all of the adjacent property on both sides of Randolph Street they are requesting vacated except for the east 229.5 feet on the south side of the street. Mr. Cogdell stated that particular portion of the property is owned by the Limberlost Girl Scout Council, which purchased the property earlier this year from I&M. He stated that he did have a letter from the Limberlost Girl Scout Council, signed by the President and the Executive Director, by which they consent to I&M's petition to vacate this portion of Randolph Street, subject to two reservations for easements. He stated one easement would be for benefit of the Girl Scouts for utility purposes for existing sanitary sewers and other public services that might be in that portion of Randolph Street that is asked to be vacated. He stated they also want easement over the east 230 feet, again for the benefit of the Girl Scout property for ingress and egress purposes. (He filed the letter with the Commission.) He stated that this portion of Randolph Street is a dead end street. He stated that there are a couple of utilities in the property and they are willing to give easement for those utilities. He stated that the street is not necesary for ingress and egress to any other properties with the exception of I&M and the Girl Scouts.

Steve Smith questioned what the intentions were for the north and south side of the property adjacent to the street.

Mr. Cogdell stated that I&M has entered into a purchase agreement for a portion of the property on the north side with the Kroger Company and they are proposing a supermarket at this location. He stated the south side will be maintained by I&M and the Girl Scouts.

Steve Smith questioned if they would require any other zoning on the north side for a supermarket.

Mr. Cogdell stated it would not require rezoning.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) I&M Electric Co City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

25 November 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the seven (7) members present six (6) voted in favor of the approval one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** October 18, 1985

Projected Completion or Occupancy **Date** July 11, 1986

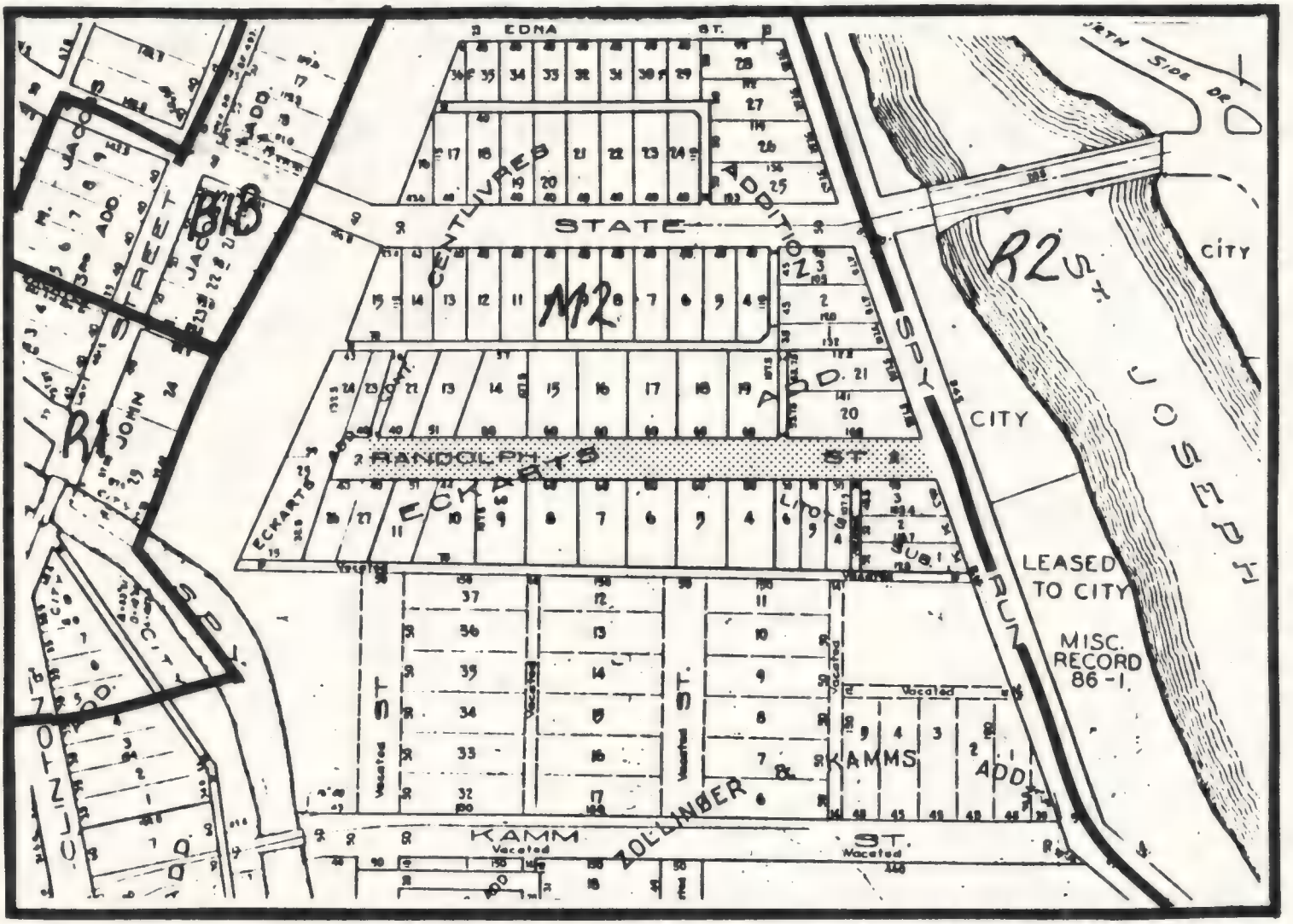
Fact Sheet Prepared by **Date** July 11, 1986

Patricia Biancaniello

Reviewed by **Date**

Reference or Case Number

GENERAL LOCATION MAP FOR RANDOLPH STREET



Zoning:

M2 GENERAL INDUSTRY
R2 RESIDENTIAL DISTRICT
R1 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'

Land Use:

G-85-11-65

NORTH

Scale: 1" = 200'

Date: 10-28-85

Vacation Petition #162 18 November 1985

PROPOSAL: Indiana & Michigan Electric Company requests the vacation of Randolph Street.

GENERAL INFORMATION:

Location:	West from Spy Run, one block south of State Blvd.
Legal Description:	Metes & Bounds in File
Existing Zoning:	D/N/A
Size of Property:	33,000 sq. ft. ±
Surrounding Land Use & Zoning:	Adjacent property is zoned M-2.
Reason For Request:	Not Stated
Applicable Regulations:	Street is currently dedicated public right-of-way.

SPECIAL INFORMATION:

Public Utilities:	Available
Physicial Characteristics:	Existing public right-of-way.
Comprehensive Plan:	No Comment
Neighborhood Planning:	No Comment
Urban Design:	No Comment
HANDS:	No Comment
Housing Authority:	No Comment
SHED:	No Comment

PLANNING STAFF DISCUSSION:

Randolph Street ends at its western terminus. The petitioner owns the bordering properties and on one else would be affected by the vacation. As a public right-of-way, the City has maintenance responsibilities. This street does not appear to be necessary to the future growth of the City, and may better serve by being vacated and placed on the tax rolls.

RECOMMENDATION: Approval

Subject to petitioner providing easements for utilities as needed.

RESOLUTION 75-144-12

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street situated in Fort Wayne, Allen County, to-wit:

That portion of Randolph Street, 50 feet wide, lying along the South line of Lot 22 and part of Lot 23 in Eckart's Addition Continued and Lots 13 through Lot 20 in Eckart's Addition, being a part of the Southeast quarter, Section 35, Township 31 North, Range 13 East, in Allen County, Indiana, by metes and bounds desdcribed as follows, to-wit:

Beginning at the intersection of the North line of Randolph Street (50 feet wide) by the West line of Spy Run Avenue (50 feet wide, City Record), thence West on the North line of said Randolph Street, a distance of 660.0 feet to the East line of that part of Randolph Street vacated by Allen Circuit Court Cause No. 26808; then South along the East line of vacated Randolph Street by a deflection left of 84 degrees 03 minutes, a distance of 50.2 feet; to the South line of Randolph Street; thence East along the South line of Randolph Street to the West line of Spy Run Avenue, a distance of 665 feet; thence Northwesterly along the West line of Spy Run Avenue to the point of beginning;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, David X. Kortte, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held December 18, 1985 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 18th DAY OF December 1985

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiester
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, INDIANA & MICHIGAN ELECTRIC COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street in Fort Wayne, Allen County, to-wit:

That portion of Randolph Street, 50 feet wide, lying along the South line of Lot 22 and part of Lot 23 in Eckart's Addition Continued and Lots 13 through Lot 20 in Eckart's Addition, being a part of the Southeast quarter, Section 35, Township 31 North, Range 13 East, in Allen County, Indiana, by metes and bounds desdcribed as follows, to-wit:

Beginning at the intersection of the North line of Randolph Street (50 feet wide) by the West line of Spy Run Avenue (50 feet wide, City Record), thence West on the North line of said Randolph Street, a distance of 660.0 feet to the East line of that part of Randolph Street vacated by Allen Circuit Court Cause No. 26808; then South along the East line of vacated Randolph Street by a deflection left of 84 degrees 03 minutes, a distance of 50.2 feet; to the South line of Randolph Street; thence East along the South line of Randolph Street to the West line of Spy Run Avenue, a distance of 665 feet; thence Northwesterly along the West line of Spy Run Avenue to the point of beginning;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 18, 1985 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of public street.

WHEREAS, said vacation of the portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of public street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held November 25, 1985, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23 DAY OF December 1985

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith

Melvin O. Smith
Secretary

SAM TALARICO
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 97/86 /E
98/6/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Lawrence D. Consalvos

Lawrence D. Consalvos, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 97/86/E 98/86/D)

I hereby certify that I did this 30th day of June, 19 86 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 97/86/E 98/86/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.

J. D. Cowles

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 97/86/E

(Adopted June 24, 19 86)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING 8 A.M. to 5 P.M. WEEKDAYS ONLY (EMERGENCY) and DELETE: 90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 23, 19 86, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective June 24, 19 86, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING 8 A.M. to 5 P.M. WEEKDAYS ONLY (EMERGENCY)

Leroy Avenue -- both sides -- from Dodge Avenue to E. State Boulevard

DELETE: 90 MINUTE PARKING 8 A.M. to 6 P.M. (EMERGENCY)

Leroy Avenue -- both sides -- from Dodge Avenue to Lynn Avenue

REGULATORY RESOLUTION NO. 98/86/D

(Adopted June 25, 1986)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-31 of said chapter delegates to this Board authority to PREFERENTIAL INTERSECTION (DELEGATED) ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 24, 1986, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-31 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective June 25, 1986, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Curdes Avenue -- preferential -- at Woodward Avenue

SAM TALARICO
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 99/86/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully Submitted,

Lawrence D. Consalvos

Lawrence D. Consalvos, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 99/86/E)

I hereby certify that I did this 7th day of July ,1986 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 99/86/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1986.

J.D. Conrad

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 99/86/E

(Adopted July 1, 1986)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 25, 1986, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective July 1, 1986, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Nelson Street -- stop -- for Wall Street
Thompson Avenue -- stop -- for Wall Street

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 8th day of July, 19 86, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____,

_____
SANDRA E. KENNEDY, CITY CLERK